

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD FOR REDUCING RESIST HEIGHT EROSION IN A GATE ETCH PROCESS**

The specification of which

- a. XX is attached hereto  
 b. \_\_\_ was filed on \_\_\_\_\_ as application serial no. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. \_\_\_\_\_ filed \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 (see the last page attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, Sections 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. XX no such applications has been filed.  
 b. \_\_\_ such applications have been filed as follows:

#### FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC Section 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

#### ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, Sections 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Michael Farjami Reg. No. 38,135  
Farshad Farjami Reg. No. 41,014  
Elizabeth A. Apperley Reg. No. 36,428  
Bradley Botsch Reg. No. 34,552

Paul S. Drake Reg. No. 33,491  
Daniel R. Collopy Reg. No. 33,667  
Michael Caywood Reg. No. 37,797

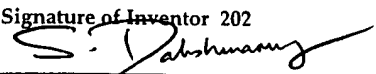
Kent Cooper Reg. No. 37,296  
Harry A. Wolin Reg. No. 32,638  
Keith Witek Reg. No. 37,475

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them to the contrary.

Please direct all correspondence in this case to FARJAMI & FARJAMI LLP at the address indicated below:

FARJAMI & FARJAMI LLP  
16148 Sand Canyon  
Irvine, California 92618  
Telephone: (949) 784-4600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

201	FULL NAME FIRST Name: SCOTT OF INVENTOR		Middle Initial(s):	LAST Name: BELL	
	City of Residence San Jose	State or Foreign Country California		Country of Citizenship USA	
	Post Office Address 2313 Stokes Street	City San Jose	State or Country California	Zip Code 95128	
202	FULL NAME FIRST Name: SRIKANTESWARA OF INVENTOR		Middle Initial(s):	LAST Name: DAKSHINA-MURTHY	
	City of Residence Wappingers Falls	State or Foreign Country New York		Country of Citizenship India	
	Post Office Address 258 Townview Drive	City Wappingers Falls	State or Country New York	Zip Code 12590	
203	FULL NAME FIRST Name: CHIH-YUH OF INVENTOR		Middle Initial(s):	LAST Name: YANG	
	City of Residence San Jose	State or Foreign Country California		Country of Citizenship USA	
	Post Office Address 1144 Little John Way	City San Jose	State or Country California	Zip Code 95129	
Signature of Inventor 201		Signature of Inventor 202 		Signature of Inventor 203	
Date		Date 7/16/03		Date	

204	FULL NAME FIRST Name: ASHOK OF INVENTOR		Middle Initial(s): M.	LAST Name: Khathuria			
	City of Residence San Jose		State or Foreign Country California		Country of Citizenship India		
	Post Office Address 5512 Castle Glen Avenue		City San Jose	State or Country California	Zip Code 95129		
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	Post Office Address		City	State or Country	Zip Code		
206	FULL NAME FIRST Name: OF INVENTOR		Middle Initial(s):	LAST Name:			
	City of Residence		State or Foreign Country		Country of Citizenship		
	Post Office Address		City	State or Country	Zip Code		
Signature of Inventor 204			Signature of Inventor 205		Signature of Inventor 206		
Date			Date		Date		

### 37 C.F.R. Section 1.56 - Duty to disclose information material to patentability.

A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

Prior art cited in search reports of a foreign patent office in a counterpart application, and

The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

It refutes, or is inconsistent with, a position the applicant takes in:

Opposing an argument of unpatentability relied on by the Office, or

Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

Each inventor named in the application;

Each attorney or agent who prepares or prosecutes the application; and

Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

# United States Patent Application

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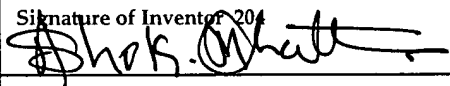
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